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Docket No. PRD-2009-USPCT1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : PEETERS et al. Confirmation No.: 9048  
Appln. No. : 10/533,054  
Filed : I.A. October 23, 2003  
Title : CRH RESPONSIVE GENES IN CNS  
Art Unit : Unassigned  
Examiner : Unassigned

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31 JAN 2006

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Legal Staff  
International Division

December 15, 2005  
(Date of Deposit)

Laura A. Donnelly  
(Name of applicant, assignee, or Registered Representative)

/Laura A. Donnelly/

(Signature)

December 15, 2005

(Date of Signature)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C. § 371**

Dear Sir:

In response to the Notification of Missing Requirements mailed September 27, 2005 ("Notification"), the time for responding thereto having expired November 27, 2005 being extended by one month pursuant to the attached petition for extension of time, please consider the remarks below.

**REMARKS**

The Notification requests submission of an Oath/Declaration for the above identified patent application. In particular, the Notification asserts that the Oath/Declaration submitted with the application as filed "does not identify the application to which it is directed." Applicants submit a copy of the previously filed Oath/Declaration, i.e., pages 1-7 of the PCT Declaration. This Oath/Declaration was originally submitted in the international application. The specification to which the Oath/Declaration is directed, i.e., PCT/EP02/12274, is set forth at page 3/7 of the Oath/Declaration.

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Sale Ref: 00000002 DAA: 100750 10533054  
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PCT/EP02/12274 100750 DAA

Applicants respectfully submit that the previously submitted Oath/Declaration, which was submitted in accordance with PCT Rule 4.17(iv), meets the requirements under 37 CFR § 1.497. See also MPEP § 1893.01(e). Applicants therefore believe that the \$ 130 surcharge fee is not required.

Please charge Deposit Account No. 10-0750/PRD-2009-USPCT1/LAD any fees that may be required. This sheet is submitted in triplicate.

Respectfully submitted,

/Laura A. Donnelly/

By: \_\_\_\_\_

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Dated: December 15, 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,054	Pieter Johan Peeters	PRD-2009-USPCT1

INTERNATIONAL APPLICATION NO.

PCT/EP03/11792

I.A. FILING DATE

PRIORITY DATE

10/23/2003

10/31/2002

27777

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SEP 29 2005

CONFIRMATION NO. 9048

J&amp;J PAT. DKT. SECTION 371 FORMALITIES LETTER



\*OC000000017104972\*

Date Mailed: 09/27/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/27/2005
- Copy of the International Search Report filed on 04/27/2005
- Copy of IPE Report filed on 04/27/2005
- Preliminary Amendments filed on 04/27/2005
- Information Disclosure Statements filed on 04/27/2005
- Oath or Declaration filed on 04/27/2005
- Request for Immediate Examination filed on 04/27/2005
- U.S. Basic National Fees filed on 04/27/2005
- Assignment filed on 04/27/2005
- Priority Documents filed on 04/27/2005
- Power of Attorney filed on 04/27/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - does not identify the application to which it is directed.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,054	PCT/EP03/11792	PRD-2009-USPCT1

FORM PCT/DO/EO/905 (371 Formalities Notice)